

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JULIUS C. GARRETT, III,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:22-cv-3660
)	
LGR TRUCKING, INC.,)	
EDWARD D. SCHRODE, and)	
J.W. EXPRESS, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, LGR TRUCKING, INC., Edward D. Schrode, and J.W. EXPRESS, INC., by counsel, and pursuant to 28 U.S.C. §1332, hereby file their notice of removal of the captioned matter to the United States District Court for the Northern District of Illinois, Eastern Division, from the Circuit Court of Cook County, Illinois, and respectfully state as follows:

1. Defendants, LGR TRUCKING, INC., Edward D. Schrode, and J.W. EXPRESS, INC. ("defendants") are defendants in a personal injury action now pending in the Law Division of the Circuit Court of Cook County under Case Number 2022-L-000397.

2. Plaintiff Julius C. Garrett, III filed his complaint in the Circuit Court of Cook County on or about January 13, 2022.

3. Counsel appeared for defendants on May 24, 2022 and filed defendants' answer and affirmative defenses on June 14, 2022; plaintiff filed an

amended complaint on June 30, 2022 and defendants filed their answer and affirmative defenses to the amended complaint on July 6, 2022.

4. Plaintiff's amended complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. Plaintiff, Julius C. Garrett, III, is a citizen of the State of Illinois.

6. Defendant, LGR TRUCKING, INC., is an Ohio corporation with its principal place of business in Cincinnati, Ohio; as a result, LGR TRUCKING, INC is a citizen of the State of Ohio.

7. Defendant, Edward D. Schrode, is a citizen of the State of Kentucky.

8. Defendant, JW EXPRESS, INC., is an Ohio corporation with its principal place of business in Cincinnati, Ohio; as a result, defendant, JW EXPRESS, INC., is a citizen of the State of Ohio.

9. Accordingly, the parties are citizens of different states pursuant to 28 U.S.C. §1332.

10. While plaintiff's complaint seeks an unspecified amount of damages, plaintiff in his response to request to admit received on July 11, 2022 denied that the total of plaintiff's damages for which plaintiff will seek compensation does not exceed \$75,000 and denied that plaintiff will not personally seek damages in excess of \$75,000, exclusive of interest and costs. (Exhibit A.) Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a) and defendants' removal to this Court is timely because it is within thirty (30) days

of the date plaintiff provided notice that the amount in controversy is in excess of \$75,000.

11. Attached hereto as Exhibit B is a complete copy of the pleadings on file with the Circuit Court of Cook County as of the date of this filing of this notice of removal.

12. Upon the filing of the notice of removal, defendants will file notice in Circuit Court of Cook County, Chicago, Illinois, that this action has been removed to this Honorable Court and that pursuant to 28 U.S.C. § 1446(d) and that no further proceedings may be had therein until, and if, the case is remanded. A copy of the notice to be filed in Circuit Court of Cook County, Case Number 2022-L-000397, is attached as Exhibit C.

Respectfully submitted,

WHITTEN LAW OFFICE

/s/Michael T. Terwilliger

Michael T. Terwilliger

Attorney for Defendants

CERTIFICATE OF SERVICE

I, Michael T. Terwilliger, pursuant to the provisions of § 1-109 of the Code of Civil Procedure, certify that I served the foregoing Notice of Removal via email to the following address on July 14, 2022:

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

Respectfully submitted,

WHITTEN LAW OFFICE

/s/Michael T. Terwilliger
Michael T. Terwilliger
Attorney for Defendants

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